

# ANDERSON KILL & OICK, P.C.

Attorneys and Counselors at Law

1251 AVENUE OF THE AMERICAS ■ NEW YORK, NY 10020

TELEPHONE: 212-278-1000 ■ FAX: 212-278-1733

[www.andersonkill.com](http://www.andersonkill.com)

Dennis J. Artese, Esq.  
[dartese@andersonkill.com](mailto:dartese@andersonkill.com)  
(212) 278-1246

By Electronic Filing

February 9, 2012

Hon. Andrew T. Baxter  
United States Magistrate Judge  
U.S. District Courthouse  
100 S. Clinton Street  
P.O. Box 7367  
Syracuse, NY 13261-7367

Re: Laskowski, et al. v. Liberty Mutual Fire Insurance Company, Case No. 5:11-cv-340 (GLS/ATB)

Dear Judge Baxter:

We represent plaintiffs Mark R. Laskowski and Richard Hall (collectively, "Plaintiffs") in the above-referenced case. Pursuant to Your Honor's request during yesterday's telephone conference with defendant's counsel concerning defendant's letter motion to serve additional expert disclosures after the close of fact discovery, this is to notify you that Plaintiffs have decided not to pursue the additional testing to the tub motor and pump that it previously considered performing.

Plaintiffs' finances are very limited. The discovery demands of this case have taken an extreme toll on those limited finances. Defendant, an insurance behemoth of virtually unlimited means, is well aware of that fact through the extensive financial discovery it took of Plaintiffs. Defendant's proposed additional discovery requested four months after its expert disclosure service deadline and after the close of all fact discovery, if allowed, would create an additional, substantial drain on Plaintiffs' limited resources. For this reason and others previously explained, Plaintiffs submit that no further discovery should be permitted, allowing for the case to proceed to trial as currently scheduled. Should Your Honor nevertheless permit defendant to serve additional expert disclosures, then Plaintiffs request the opportunity to depose defendant's experts and serve rebuttal expert disclosures, which may include additional testing by existing or new experts on behalf of Plaintiffs.

Counsel for the parties conferred yesterday in an attempt to resolve the issues created by Liberty's letter motion, but were not able to do so. Counsel has agreed to continue their efforts in this regard, and will notify Your Honor in the event we reach a compromise.

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Your consideration in this matter is greatly appreciated.

Respectfully submitted,

*/s/ Dennis J. Artese*

Dennis J. Artese

cc: Thomas J. O'Connor, Esq. (by e-filing)